

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LARRY SHAW, an individual,  
Plaintiff,

vs.

COLUMBIA CASUALTY COMPANY, an  
Illinois corporation,

Defendant.

Case No. 8:17-cv-00311

**JOINT STIPULATION AND  
ORDER TO STAY CASE  
FOR EIGHT WEEKS**

**I. STIPULATION**

WHEREAS, on July 19, 2017, Plaintiff Larry Shaw (“Plaintiff” or “Shaw”) filed a complaint for declaratory relief and violation of the Nebraska Unfair Claims Settlement Practices Act against Columbia Casualty Company (“Defendant” or “Columbia”) in Clay County District Court, Nebraska, Case No. D30C1170000035 (“the State Court Action”). The Complaint seeks payment of a judgment against Desert Health Group, an entity to whom Columbia allegedly issued a Long Term Care Commercial General Liability policy.

WHEREAS, Columbia removed the State Court Action to this Court by way of a Notice of Removal filed on August 22, 2017;

WHEREAS, Shaw and Columbia (collectively the “Parties”) wish to discuss the merits of the Parties’ respective claims and defenses and the possible resolution of this action prior to further expenditure;

WHEREAS, pursuant to U.S.D.C., District of Nebraska Local Rule 7.3, the Parties have agreed to request a stay of all proceedings in this matter for eight weeks without prejudice to either party’s claims in this matter.

Now, therefore, it is hereby stipulated by the Parties, by and through their respective attorneys, as follows:

1. All claims and proceedings in this action should be stayed for a period of eight weeks starting on the date this Stipulation and Order To Stay Case is entered by the Court.

2. Columbia's response to Shaw's complaint will be filed within 10 days after the end of the eight week stay period. Any discovery served in the State Court Action shall be re-served after the end of the eight week period, with the discovery subject to the Federal Rules of Civil Procedure.

3. The Parties agree the stipulated stay does not have any other procedural or substantive impact on issues in this action.

4. By entering into this Stipulation, neither Plaintiff nor Defendant waives any defenses, rights or privileges.

**IT IS SO STIPULATED.**

LARRY SHAW, Plaintiff

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COLUMBIA CASUALTY COMPANY,  
Defendant

By: /s/ Gerald L. Friedrichsen  
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ATTORNEY FOR DEFENDANT

## **II. ORDER**

Pursuant to the stipulation of the Parties, (Filing No. 5), which is hereby approved:

1. This action and all proceedings and claims are hereby stayed until eight weeks following the date of this Order.
2. All applicable time periods and deadlines from the date of the start of the stay to the time when the stay is lifted are hereby vacated.

**IT IS SO ORDERED.**

August 24, 2017.

BY THE COURT:



Cheryl R. Zwart  
United States Magistrate Judge